

5865. Adulteration and misbranding of elixir iron, quinine, and strychnine. U. S. * * * v. William J. O'Donnell. Plea of guilty. Fine, \$20. (F. & D. No. 8429. I. S. No. 2229-m.)

On September 28, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against William J. O'Donnell, Washington, D. C., alleging that said defendant did offer for sale and sell at the District aforesaid, in violation of the Food and Drugs Act, on December 19, 1916, a quantity of an article labeled in part, "Elixir, Iron, Quinine and Strychnine," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Quinine, calculated as quinine hydrochlorid (grams per 1,000 mls),
not more than 3.5.

Alcohol (per cent by volume) 19.8.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said National Formulary official at the time of the investigation of the article, in that it contained in 1,000 mls, quinine equivalent to not more than 3.5 grams of quinine hydrochlorid, whereas the National Formulary provides that it shall contain in 1,000 mls, 8.750 grams of quinine hydrochlorid, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged for the reason that the statement borne on the label attached to the bottle, regarding the article and the ingredients and substances contained therein, to wit, "Alcohol 29%," was false and misleading in that it represented that the article contained 29 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 19.8 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On September 28, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

CARL VROOMAN, Acting Secretary of Agriculture.